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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Administration of the North
American Numbering Plan

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CC Docket No. 92-237

**COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

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PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"), respectfully submits its comments regarding the above-captioned Notice of Proposed Rulemaking ("NPRM").¹ PCIA urges the Commission to take the actions recommended herein in order to ensure that the North American Numbering Plan ("NANP") is administered in a non-discriminatory and pro-competitive manner.

I INTRODUCTION AND SUMMARY

PCIA is the national trade association representing the personal communications industry, which includes the paging, PCS entrepreneurial and experimental licensee, cellular, cable, computer, ESMR, manufacturing, and local and interexchange sectors of the PCS industry.

In analyzing NANP administration issues, PCIA believes it is useful to distinguish between the development of numbering policy (such as allocation and assignment guidelines) and the ministerial implementation of that policy (such as assignment of numbers based upon established guidelines). Numbering policy should be formulated through an open, representative process, and the implementation of such policy should be entrusted to an entity that is unaffiliated with any user of numbering resources.

¹ FCC 94-79 (released April 4, 1994).

Consistent with this model, the Commission should recognize an industry numbering Oversight Committee, which would be open to all interested parties and which would operate under a consensus process. The Oversight Committee would serve two primary functions. The first would be to manage the development and approval processes of consensus-based numbering policy in an Industry Numbering Forum ("INF"), which would serve as the single home for development of numbering allocation and assignment guidelines, and be open to all interested parties. The second primary function of the Oversight Committee would be administrative oversight of the North American Numbering Plan Administration by a contracted third party, which would perform ministerial implementation of numbering policy developed by the INF and approved by the Oversight Committee and could provide the Oversight Committee with expert advice.

PCIA further recommends that the Commission adopt a phased approach in the transfer of NANPA and its associated functions from Bellcore to the new NANPA and centralization of central office (CO) code administration within the new NANPA. A phased timeline approach would allow any potential problems to be addressed as they arise, preserve the integrity of the numbering assignment process and database functions even as potential issues associated with the transfer to a new sponsoring organization are resolved, and ultimately allow the smoothest possible centralization of CO code administration in the new NANPA.

PCIA also recommends that the Commission designate a sponsoring organization for the Oversight Committee and Industry Numbering Forum, with several important conditions placed upon the sponsor to ensure complete structural separation of the sponsor from the Oversight Committee and INF and to eliminate any potential for undue influence by the sponsor. PCIA strongly urges the Commission to require that the new NANP administrator be an independent third party contractor, with the sponsoring organization acting as the legal entity holding the NANPA contract.

Finally, PCIA recommends that the Commission adopt a cost-based funding mechanism for NANPA and related activities that ensures that all users of NANP resources share in the funding of NANPA and its related activities on a basis that is competitively neutral, supports the current international integrated World Zone 1 structure, and has an enforcement mechanism to ensure funding obligation compliance.

II THE FCC SHOULD RECOGNIZE AN INDUSTRY OVERSIGHT COMMITTEE OPEN TO ALL INTERESTED PARTICIPANTS WHICH WOULD OVERSEE AN INDUSTRY NUMBERING FORUM AND NORTH AMERICAN NUMBERING PLAN ADMINISTRATION.

PCIA recommends Commission recognition of an industry numbering Oversight Committee, which would be charged with management of numbering policy development taking place within an Industry Numbering Forum ("INF") and administrative management of the new NANPA. Both the Oversight Committee and INF would operate under a consensus process and would be open to all interested parties including World Zone 1 regulators.

Discussion within the Future of Numbering Forum ("FNF"), a Bellcore sponsored forum which has been addressing future NANPA structure issues, and current practice within the Industry Numbering Committee ("INC"), a forum sponsored by the Industry Carriers Compatibility Forum ("ICCF") which has been developing numbering policy, have both drawn a distinction between the actual development of numbering policy, such as number allocation and number assignment guidelines, and the management and coordination of the numbering policy development process itself.

In the context of overseeing the INF and new NANPA, an Oversight Committee would perform several functions. They include administrative and policy development process management and coordination of the INF. Such management would ensure that the appropriate

consensus procedures are followed in the development of numbering allocation recommendations and assignment guidelines within the INF, primarily through a final due process review by the Oversight Committee.

The second primary function would be oversight of the NANPA. NANPA oversight would include ensuring that industry developed and approved numbering guidelines and policy are uniformly and consistently applied, responding to any inquiries from NANPA regarding guidelines or policy interpretation, and serving as the first level of appeals of NANPA resource assignment decisions.

PCIA believes that beyond Commission recognition of an industry numbering Oversight Committee as described herein, open to all interested parties and operating under industry developed consensus procedures, establishment of a Policy Board as proposed in the NPRM by the Commission is unnecessary and that the Federal Advisory Committee Act would not apply².

III THE FCC SHOULD DESIGNATE A SPONSORING ORGANIZATION FOR THE OVERSIGHT COMMITTEE AND INDUSTRY NUMBERING FORUM AND SHOULD REQUIRE THAT THE NANP ADMINISTRATOR BE AN INDEPENDENT, THIRD PARTY CONTRACTOR

Consistent with the NPRM³, PCIA recommends that the Commission designate a sponsoring organization for the Oversight Committee and Industry Numbering Forum. Such a sponsoring organization would provide administrative secretariat support and might provide legal counsel on basic issues such as antitrust considerations.

² NPRM at ¶ 25.

³ NPRM at ¶ 11.

In choosing a sponsoring organization for the Oversight Committee and Industry Numbering Forum, PCIA recommends that the Commission require any potential sponsor to meet the following conditions:

1. Sponsorship would convey no special or exclusive rights to the sponsoring organization or any sponsoring organization members beyond that of any other participant in the Oversight Committee and Industry Numbering Forum. Specifically, the sponsoring organization would exercise no special rights in such matters as:
 - a. The selection or appointment of any potential leadership or staff positions within an Oversight Committee, Industry Numbering Forum, or NANPA;
 - b. The development or approval of numbering policy;
 - c. The administrative supervision of the future NANPA.
2. The sponsor must recognize that NANPA will follow only those numbering policies and procedures developed and approved by the Industry Numbering Forum and Oversight Committee respectively, and decisions of the regulatory bodies with jurisdiction of countries participating in the North American Numbering Plan;
3. The sponsor recognizes that the Oversight Committee and Industry Numbering Forum answer only to those regulatory bodies with jurisdiction of countries participating in the North American Numbering Plan.

PCIA notes that in the NPRM, the Commission has tentatively identified the Alliance for Telecommunications Industry Solutions ("ATIS") as a potential sponsor⁴. Should the Commission recognize ATIS as the sponsoring organization, PCIA recommends that the Commission direct ATIS to place the complete Oversight Committee and Industry Numbering Forum structure on an equal level within ATIS as the ATIS sponsored Carrier Liaison Committee (CLC) (currently, the Industry Numbering Committee reports to the Industry Carriers Capability Forum, which in turn reports to the CLC).

Consistent with PCIA's comments on the Commission's NANPA NOI⁵, PCIA continues to endorse the separation of policy development from NANPA ministerial functions, which is best achieved by complete structural separation of NANPA from the Oversight Committee and Industry Numbering Forum. Therefore, PCIA strongly recommends that a neutral third party be jointly selected by the Oversight Committee and the sponsoring organization to perform the ministerial functions of the new NANPA, with the sponsor acting as the legal entity holding the NANPA contract. Such ministerial functions would be limited to assignment of numbering resources through guidelines and policy developed by the INF and reviewed for due process by the Oversight Committee and decisions of World Zone 1 regulators with jurisdiction, functions associated with database maintenance, and functions associated with code usage monitoring and conservation, such as performing the annual Central Office Code Usage Survey (COCUS). PCIA also notes that within the context of performing ministerial functions and with the concurrence of the Oversight Committee, NANPA could play a subject matter expert role to the Oversight Committee and INF on issues such as revision and clarification of guidelines and application forms, planning functions, and other identified issues.

⁴ NPRM at ¶ 15.

⁵ See Comments of PCIA (then "Telocator") at 2.

IV THE FCC SHOULD RECOGNIZE THAT IN ORDER TO MINIMIZE POTENTIAL ISSUES ASSOCIATED WITH NANPA TRANSFER, A PHASED APPROACH SHOULD BE USED IN THE TRANSFER FROM BELLCORE OF NANPA AND ADMINISTRATIVE FUNCTIONS ASSOCIATED WITH THE LERG, BRADS, AND RDBS, AS WELL AS CENTRALIZATION OF CENTRAL OFFICE CODE ADMINISTRATION WITHIN THE NEW NANPA.

PCIA and the Commission recognize that there are functions associated with administration of the North American Numbering Plan that go beyond assignment of resources and monitoring resource usage⁶. Specifically, Bellcore administers the Bellcore Rating Administration Database System (BRADS), the Routing Database System (RDBS), and publishes the Local Exchange Routing Guide (LERG). In addition, the assignment of some numbering resources, such as central office codes, is currently conducted by entities other than NANPA.

Due to the inherent complexities associated with actual NANP administration and of transferring NANPA and related functions from Bellcore, and the proposed centralization of CO code administration in the new NANPA, PCIA recommends that the Commission adopt a phased, timeline approach. As opposed to a single, one day transfer of all functions associated with the NANP, a phased approach would better ensure the continued integrity of NANP administration by allowing any unforeseen issues associated with the transfer to a new NANPA to be addressed as they arise and thereby resulting in a smoother transition.

PCIA strongly endorses the Commission's tentative decision to centralize CO code administration within the new NANPA⁷ as soon as practicable. PCIA notes that central office code administration, as administered on a regional basis by local exchange carriers, can lead to inconsistent application and interpretation of guidelines and widely varying solutions to numbering issues facing the entire telecommunications industry. PCIA points to the disparate

⁶ NPRM at ¶ 7.

⁷ NPRM at ¶ 29.

treatment of wireless services in NPA exhaust planning in major metropolitan areas such as New York and Los Angeles as examples which illustrate the need for uniformity in CO code administration and planning functions. Such uniformity and equity can only come through centralization of CO code administration and a system that balances the needs of, and impacts upon, the various sectors of the telecommunications industry. At the same time, however, the centralized administration must recognize the need for early, open, informed input from affected parties in the areas where code exhaust issues have been identified.

V THE COMMISSION SHOULD ADOPT A FAIR AND EQUITABLE COST-BASED METHOD OF FUNDING THE NEW NANPA AND ASSOCIATED ACTIVITIES, THROUGH APPROPRIATE REVISION OF AN EXISTING FUNDING INFRASTRUCTURE TO ENSURE THAT ALL NANP RESOURCE USERS PARTICIPATE IN THE FUNDING OF NANPA AND ITS RELATED ACTIVITIES.

The Commission has requested comment on how to fund the new NANPA and activities associated with administration of the North American Numbering Plan⁸. PCIA recommends that the funding method the Commission adopts be cost based and meet the following basic principles:

1. All users of NANP resources should share in the funding of NANPA and its associated activities.
2. The cost of administering the funding mechanism should not outweigh the benefit of any funding mechanism.
3. The funding mechanism should be competitively neutral and apply consistently to all users.

4. The mechanism should continue to support the current international integrated World Zone 1 structure.
5. An enforcement mechanism is needed to ensure that all users of NANP resources contribute their fair and appropriate share to the funding of NANPA and its associated activities.

PCIA suggests that the Commission adopt an existing funding infrastructure, such as Telecommunications Relay Service ("TRS") with appropriate revisions to ensure that all NANP resource users participate in the funding of NANPA and its related activities, as opposed to creating an entirely new funding infrastructure. Such an approach is perhaps the easiest and most resource efficient way to achieve full funding of NANPA and NANPA related activities without creating a significant additional administrative structure and expense. Finally, PCIA notes that its suggested NANPA funding principles do not impose a significant additional burden upon the Commission, therefore PCIA does not believe that the Commission must collect additional fees beyond those described.

VI CONCLUSION

PCIA recommends that the Commission take the following steps to ensure that the North American Numbering Plan is administered in a non-discriminatory and pro-competitive manner:

1. The Commission should recognize an industry numbering Oversight Committee open to all interested parties operating on a consensus basis which would oversee an Industry Numbering Forum ("INF") that is also open to all interested parties and operating on a consensus basis, and which would also oversee a new North American Numbering Plan Administrator.


2. The Commission should designate a sponsoring organization for the Oversight Committee and Industry Numbering Forum and should require that the NANP Administrator be an independent, third party contractor.
3. The Commission should adopt a phased, timeline approach in the transfer from Bellcore of the NANPA and associated database functions and the centralization of central office code administration in the new NANPA.
4. The Commission should adopt a fair and equitable cost-based method of funding the new NANPA and associated activities, through appropriate revision of an existing funding infrastructure to ensure that all NANP resource users participate in the funding of NANPA and its related activities.

These actions will promote the continued growth and development of the personal communications industry.

Respectfully submitted,

PERSONAL COMMUNICATIONS
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by:


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